



June 20, 2008

VIA EMAIL AND FAX

Evandro C. Gigante, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
590 Madison Avenue  
New York, New York 10022

Re: Murray v. UPS

Dear Evandro:

Pursuant to our recent discussion, this shall confirm that I have adjourned Plaintiff's deposition from Monday June 23, 2008 to a date to be agreed upon.

Pursuant to the Consent Scheduling Order in this case, Rule 26 Initial Disclosures were made on April 25, 2008, almost two months ago. Now, less than two business days before Plaintiff's deposition in this case, your client has provided Supplemental Disclosures with additional witness names, including a "confidential informant" whose name your client will not release unless Plaintiff agrees to certain (as yet unspecified) conditions. I cannot in good conscience agree to let my client's deposition proceed under these circumstances. You had an obligation to produce the names of all material witnesses along with your Initial disclosures so that I might have an opportunity to conduct the appropriate due diligence. I have been denied that opportunity here. Further, we negotiated a Protective Order in this case more than two weeks ago. To the extent you seek to keep the identity of the "confidential informant" concealed, then would have been the time to bring this up, not now on the eve of my client's deposition.

If, as you claim, this "confidential informant" was the source of information that led to the investigation of my client's delivery practices, I fail to see how your client could not known of this witness prior to, or by the time of, the date of the Initial Disclosures. Either your client deliberately withheld the name of this individual or it is yet more evidence of the bungled nature of your client's investigation.

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I look forward to the release of the name and address of the "confidential informant" as well as a description of the subjects of information as to which he or she will testify to. Once that information is in hand, we can agree to a mutually acceptable date for my client's deposition to proceed.

Thank you.

Sincerely yours,

/s Adam Richards

Adam Richards